



## BOARD OF PUBLIC WORKS & SAFETY NOVEMBER 10, 2005 MINUTES

Board member Warren Beville called the meeting to order at 8:27 a.m.

<b>PRESENT:</b>	Board members Warren Beville, Kevin Hoover; Clerk-Treasurer Jeannine Myers; City Attorney Shawna Koons-Davis; and Director of Engineering Paul Peoni. Mayor Charles Henderson was not able to attend.
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Mr. Hoover moved to accept the minutes of the regular session of October 20<sup>th</sup> as presented. Second by Mr. Beville. Vote: Ayes.

Fire Chief Steve Dhondt approached the Board to seek approval to advertise and receive bids for two new fire trucks. He told the Board that the Common Council passed a bond ordinance about sixty days ago in order to fund those trucks and the miscellaneous equipment that goes with them. One new aerial ladder truck will replace the aerial ladder that runs out of Fire headquarters and one new pumper will run out of the new fire station. They received a favorable recommendation for the DLGF Tax Board on October 27<sup>th</sup>, said Chief Dhondt, and are waiting on a final order (which they would need prior to selling bonds and before they award a contract). The Chief anticipates opening bids on December 19<sup>th</sup> and bringing a recommendation to the Board at its first meeting in January. Mr. Hoover moved to grant the request as explained by the Chief. Second by Mr. Beville. Vote: Ayes.

Robert Lufcy of 1178 Crestwood Drive (Lot 71 Woodgate Section 2) came forward to request encroachment into a drainage, utility and tree preservation easement to build a 12' by 12' addition to his existing deck. Mr. Lufcy submitted letters from all the utilities as well as a copy of the plot plan. He told the Board that he understands that any damage done to the deck as a result of having to access the easement by any utility would be his responsibility to repair. Mr. Hoover moved to grant the encroachment of the easement as requested with the understanding that if there is any need for the City to access the easement, any damage to the structure would be at the risk of the homeowner. Second by Mr. Beville. Vote: Ayes.

Max Cooper of Projects Plus, on behalf of Village at Honey Creek, requested execution of an offsite drainage easement. Mr. Peoni indicated that they need this offsite easement to get to their ultimate drainage outlet point. The legal description and graphic exhibit have been reviewed and approved by the Engineering Department. The form has been approved by the Law Department. Mr. Hoover moved to:

- 1) Accept and execute one (1) offsite drainage easement.

Second by Mr. Beville. Vote: Ayes.

Mike Simon of Republic Development, for The Trails at South Lake Section 1, and The Preserve at South Lake, Section 2, came forward to ask for acceptance of improvements, acceptance of maintenance and performance bonds, and execution of the plats. Mr. Peoni clarified that there are two plats because of different zoning in each section, but one set of construction plans for both sections. A final field inspection shows all items being asked for acceptance appear to have been satisfactorily installed. The improvements and amounts shown on the bonds are correct. The maintenance bonds have been reviewed and approved by the Law Department; however, the performance bonds need minor revisions. The plats and the as-builts have been reviewed and also need minor revisions. The 1/3 SAF fee has been paid. Mr. Hoover moved to:

- 1) Accept the sanitary sewers at The Trails @ South Lake, Section 1 and The Preserve @ South Lake, Section 2 subject to Keith Meier, Sanitation Superintendent, approval.
- 2) Accept three (3) year maintenance bond #5019395 in the amount of \$119,371 from Bond Safeguard Insurance Company for the sanitary sewers at The Trails @ South Lake, Section 1 and The Preserve @ South Lake, Section 2.
- 3) Accept the dirtwork and storm sewers at The Trails @ South Lake, Section 1 and The Preserve @ South Lake, Section 2.

- 4) Accept three (3) year maintenance bond #5019394 in the amount of \$251,050 from Bond Safeguard Insurance Company for the dirtwork and storm sewers at The Trails @ South Lake, Section 1 and The Preserve @ South Lake, Section 2.
- 5) Accept the stone base, bituminous base, bituminous binder, concrete curbs (streets) and traffic control and street name signs at The Trails @ South Lake, Section 1 and The Preserve @ South Lake, Section 2.
- 6) Accept three (3) year maintenance bond #5019393 w/rider in the amount of \$143,790 from Bond Safeguard Insurance Company for the stone base, bituminous base, bituminous binder, concrete curbs (streets) and traffic control and street name signs at The Trails @ South Lake, Section 1 and The Preserve @ South Lake, Section 2.
- 7) Accept performance bond #5019396 from Bond Safeguard Insurance Company in the amount of \$83,056 for the installation of the bituminous surface, tack coat and monuments at The Trails @ South Lake, Section 1 and The Preserve @ South Lake, Section 2.
- 8) Accept performance bond #5019392 from Bond Safeguard Insurance Company in the amount of \$177,130 for the installation of the sidewalks at The Trails @ South Lake, Section 1 and The Preserve @ South Lake, Section 2.
- 9) Execute the plats, all contingent upon:
  - a. Receipt of revised performance bonds and Law Department and Engineering Department review and approval of those performance bonds.
  - b. Final payment of outside engineering review fees.
  - c. Final payment of any Inspection & Testing fees, if applicable.
  - d. Final review and approval of the plats by the Engineering and Planning departments.
  - e. Receipt of revised mylar as-builts (2 sets).

Second by Mr. Beville. Vote: Ayes.

Mr. Peoni went on to tell the Board that the plans for the two sections – Trails @ South Lake, Section 1 and Preserve @ South Lake, Section 2 – did not include the entrance at Sheek Road with Worthsville Road being installed. That entrance is to be done by the road project being done next year by the City. Mr. Simon had asked if he could install an entrance for construction traffic only and staff allowed this. The entrance has been barricaded the entire time. It will remain barricaded, said Mr. Peoni, because it is not a safe entrance at this time. There is an existing REMC pole there and a hill to the west causing sight line problems. Mr. Simon noted that the two entrances, as required, were on their approved plans. However, the Sheek Road entrance was not to be installed with these plans. REMC has given Mr. Simon a quote for moving the pole, and he has accepted that. Republic's concern is not being able to use the construction entrance. Mr. Peoni discussed the City's efforts of completing the road improvements on Worthsville Road to help the school and Republic Development by requiring Cinergy to move the poles on the north side of the road. Republic was asked to modify their plans. The construction entrance will remain barricaded until the pole is moved, the third lane is paved, brush is removed, and an advertisement sign is removed.

Regarding Timber Valley, Section 2, Kendrick Haslett of C.P. Morgan asked for acceptance of improvements, acceptance of maintenance and performance bonds and execution of the plat. Mr. Peoni confirmed that a final field inspection shows that all items being asked for acceptance appear to have been satisfactorily installed. The improvements and amounts shown on the bonds are correct. The bond form has been approved by the Law Department. Minor revisions are needed on the plat as well as the as-builts. The 1/3 SAF, 15 Year Law and outside engineering review fees have all been paid. Mr. Hoover moved to:

- 1) Accept the sanitary sewers at Timber Valley, Section 2 subject to Keith Meier, Sanitation Superintendent, approval.
- 2) Accept three (3) year maintenance bond #5019326 in the amount of \$55,000 from Bond Safeguard Insurance Company for the sanitary sewers at Timber Valley, Section 2.
- 3) Accept performance bond #5019776 from Bond Safeguard Insurance Company in the amount of \$10,000 for the installation of the sanitary sewer punch list items between structure #14 and structure #21 at Timber Valley, Section 2.
- 4) Accept the dirtwork and storm sewers at Timber Valley, Section 2.
- 5) Accept three (3) year maintenance bond #5019325 in the amount of \$120,000 from Bond Safeguard Insurance Company for the dirtwork and storm sewers at Timber Valley, Section 2.
- 6) Accept the stone base, bituminous base, bituminous binder and concrete curbs (streets) at Timber Valley, Section 2.

- 7) Accept three (3) year maintenance bond #5019327 in the amount of \$50,000 from Bond Safeguard Insurance Company for the stone base, bituminous base, bituminous binder and concrete curbs (streets) at Timber Valley, Section 2.
- 8) Accept performance bond #5019330 in the amount of \$36,000 from Bond Safeguard Insurance Company for the installation of the bituminous surface and tack coat at Timber Valley, Section 2.
- 9) Accept performance bond #5019329 in the amount of \$5,000 from Bond Safeguard Insurance Company for the installation of the signs and monuments at Timber Valley, Section 2.
- 10) Accept performance bond #5019328 in the amount of \$92,000 from Bond Safeguard Insurance Company for the installation of the sidewalks at Timber Valley, Section 2.
- 11) Execute the plat, all subject to:
  - a. Sanitation Superintendent's final approval letter for the sanitary sewers.
  - b. Final payment of any Inspection & Testing fees, if applicable.
  - c. Final review and approval of the plat by the Engineering and Planning departments.
  - d. Receipt of revised mylar as-builts (2 sets).

Second by Mr. Beville. Vote: Ayes.

For Greenwood Trace, Block "C", Greg Fulk of KB Homes requested acceptance of improvements, acceptance of maintenance and performance bonds and execution of the plat. Mr. Peoni confirmed that all items being asked for acceptance appear to have been satisfactorily installed. The improvements and amounts shown on the bonds are correct. The performance bonds have been reviewed and approved by the Law Department; however, the maintenance bonds need to be revised. Minor revisions are needed on the plat and the as-builts. Mr. Hoover moved to:

- 1) Accept the dirtwork and storm sewers at Greenwood Trace, Block "C".
- 2) Accept a three (3) year maintenance bond in the amount of \$2,983.44 for the dirtwork and storm sewers at Greenwood Trace, Block "C".
- 3) Accept the stone base, bituminous base, bituminous binder and concrete curbs (streets) at Greenwood Trace, Block "C".
- 4) Accept a five (5) year maintenance bond in the amount of \$5,244.53 for the stone base, bituminous base, bituminous binder and concrete curbs (streets) at Greenwood Trace, Block "C".
- 5) Accept performance bond #024023211 in the amount of \$10,500 from Liberty Mutual Insurance Company for the installation of the bituminous surface and tack coat at Greenwood Trace, Block "C".
- 6) Accept performance bond #024023213 in the amount of \$1,373.90 from Liberty Mutual Insurance Company for the installation of the signs and monuments at Greenwood Trace, Block "C".
- 7) Accept performance bond #024023210 in the amount of \$6,413 from Liberty Mutual Insurance Company for the installation of the sidewalks at Greenwood Trace, Block "C".
- 8) Execute the plat, all contingent upon:
  - a. Receipt of revised maintenance bonds and Law Department and Engineering Department review and approval of those maintenance bonds.
  - b. Final payment of any Inspection & Testing fees, if applicable.
  - c. Final review and approval of the plat by the Engineering and Planning departments.
  - d. Receipt of revised mylar as-builts (2 sets).

Second by Mr. Beville. Vote: Ayes.

Mr. Fulk next asked for acceptance of improvements, acceptance of maintenance and performance bonds and execution of the plat for Greenwood Trace, Section 1. Mr. Peoni noted that there is a minor item on the storm sewers that should be checked but they are working diligently to get that resolved in the field. The improvements and amounts shown on the bonds are correct. The performance bonds have been reviewed and approved by the Law Department; however, the maintenance bonds need to be revised. Again, minor revisions are needed on the plat and the as-builts. The 1/3 SAF and outside engineering review fees have been paid. Mr. Hoover moved to:

- 1) Accept the sanitary sewers at Greenwood Trace, Section 1 subject to Keith Meier, Sanitation Superintendent, approval.
- 2) Accept a three (3) year maintenance bond in the amount of \$24,197 for the sanitary sewers at Greenwood Trace, Section 1.
- 3) Accept the dirtwork and storm sewers at Greenwood Trace, Section 1.
- 4) Accept a three (3) year maintenance bond in the amount of \$61,397 for the dirtwork and storm sewers at Greenwood Trace, Section 1.

- 5) Accept the stone base, bituminous base, bituminous binder and concrete curbs (streets) at Greenwood Trace, Section 1.
- 6) Accept a five (5) year maintenance bond in the amount of \$24,546.78 for the stone base, bituminous base, bituminous binder and concrete curbs (streets) at Greenwood Trace, Section 1.
- 7) Accept performance bond #024023209 in the amount of \$10,877.08 from Liberty Mutual Insurance Company for the installation of the bituminous surface and tack coat at Greenwood Trace, Section 1.
- 8) Accept performance bond #024023208 in the amount of \$2,123 from Liberty Mutual Insurance Company for the installation of the signs and monuments at Greenwood Trace, Section 1.
- 9) Accept performance bond #024023207 in the amount of \$39,325 from Liberty Mutual Insurance Company for the installation of the sidewalks at Greenwood Trace, Section 1.
- 10) Execute the plat, all based upon:
  - a. Receipt of revised maintenance bonds and Law Department and Engineering Department review and approval of those maintenance bonds.
  - b. Final payment of any Inspection & Testing fees, if applicable.
  - c. Final review and approval of the plat by the Engineering and Planning departments.
  - d. Receipt of revised mylar as-builts (2 sets).

Second by Mr. Beville. Vote: Ayes.

On her Status of Tasks, the City Attorney first discussed a letter from Republic Services of Indiana, Inc. requesting an amendment to their Trash and Recycling Services Contract to increase the rate of compensation. The City Attorney copied the request for the Board's review. The letter, dated October 24, 2005, proposed an increase in the monthly unit price from \$7.19 per unit to approximately \$7.77 per unit. Republic states they would like to increase the monthly unit rate to reflect its operating cost increases caused by the recent spike in fuel costs due to decreased production by U.S. refineries after Hurricanes Katrina and Rita. At the City current monthly trash rate of \$8.50 per unit, \$.73 (73 cents) would be left to cover the City's administrative costs. Currently, the City receives \$1.31 a month per unit to cover the administrative costs and the proposed amendment would decrease the monthly per unit administrative operating revenue by \$.58 (58 cents). To accommodate Republic Service of Indiana's request shall likely require a trash rate increase. The Board will take this request under advisement and ask the Utility Accountant to review the impact upon the Waste Management Fund and the City's administrative operating costs and make a recommendation on the proposal.

On his Status of Tasks, Mr. Peoni first presented Inspection & Testing Agreements for the Trails @ Woodfield, Section 4. Mr. Beville moved to:

- 1) Accept the Inspection & Testing Agreement for the sanitary sewers and ratify acceptance of the 50% upfront fee.
- 2) Accept the Inspection & Testing Agreement for all improvements except sanitary sewers and ratify acceptance of the 50% upfront fee.

Second by Mr. Hoover. Vote: Ayes.

For the Trails @ Woodfield, Section 5, there was the identical request for the Inspection & Testing Agreements. Mr. Beville moved to:

- 1) Accept the Inspection & Testing Agreement for the sanitary sewers and ratify acceptance of the 50% upfront fee.
- 2) Accept the Inspection & Testing Agreement for all improvements except sanitary sewers and ratify acceptance of the 50% upfront fee.

Second by Mr. Hoover. Vote: Ayes.

The Villages @ Grassy Creek, Section 7 also presented Inspection & Testing Agreements for sanitary sewers and for all other improvements. Mr. Beville moved to:

- 1) Accept the Inspection & Testing Agreement for the sanitary sewers and ratify acceptance of the 50% upfront fee.
- 2) Accept the Inspection & Testing Agreement for all improvements except sanitary sewers and ratify acceptance of the 50% upfront fee.

Second by Mr. Hoover. Vote: Ayes.

Mr. Peoni next went on to discuss Vectren Energy wishing to serve Southlake Subdivision. They need to install a gas line down the west side of Sheek Road and then go east along the north side of Worthsville Road. There is a 50' right-of-way from the approximate center line that was dedicated to the City from

Clark-Pleasant Schools in April, 2003. Prior to that, in November, 2002, the City got a sanitary sewer easement from the school system (through Republic). It is about 76' from the approximate center line of the road. Mr. Peoni said that Vectren wants to stay in the right-of-way portion (as shown on his drawing) but explained it will be difficult because of new pavement being installed next year by our road project. Our sanitary sewer is outside the right-of-way, he noted. Mr. Hoover moved to allow Vectren to encroach in the easement and to direct staff to determine the exact location. Second by Mr. Beville. Vote: Ayes.

Human Resources Director Bill Jackson came forward to update the Board on the Employee Handbook. It is at the printer. Employee meetings are scheduled for December 13<sup>th</sup> and 15<sup>th</sup> to discuss the handbook and all employee benefits.

The Clerk-Treasurer brought up the proposed meeting dates for 2006 that were given to the Board for consideration. Mr. Hoover moved to approve the 2006 proposed meeting calendar for the Board of Public Works and Safety. Second by Mr. Beville. Vote: Ayes.

Ms. Myers then asked the City Attorney about the status of the check for surplus lab equipment issued by Surplus Lab, which they stopped payment on. Ms. Koons-Davis said there will be a law suit; they are putting together a complaint to get it back. They have never gotten a response to their demand.

Mr. Beville moved to accept the claims as presented through November 10<sup>th</sup>. Second by Mr. Hoover. Vote: Ayes.

Mr. Hoover brought up a letter from Home Depot about the stop sign out there. It was dated October 24<sup>th</sup>. Mr. Peoni will look into the issue.

With no further business, the meeting adjourned at 9:05 a.m.